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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/484,722 | 01/18/2000 | Seiichi Kobayashi | FUJI 16.959 | 1025 |
| 7590 | 01/28/2005 | | EXAMINER RYMAN, DANIEL J | |
| K M Z Rosenman 575 Madison Avenue New York, NY 10020 | | | ART UNIT 2665 | PAPER NUMBER |

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/484,722 | Applicant(s) KOBAYASHI, SEIICHI | |
| | Examiner Daniel J. Ryman | Art Unit 2665 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2-7 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (USPN 6,363,064) in view of Hayball et al. (USPN 6,018,625).
4. Regarding claim 9, Yamaguchi discloses a transmission apparatus (ref. A) comprising: an ATM/user network interface which makes a contact point with a first user network management system (controller of ref. B or C) which handles first resource management information concerning a first cell assembly and disassembly unit (ref. 1B or 1C: CLAD) which is accommodated outside of the transmission apparatus as an external unit (Fig. 1; col. 1, line 43-50; and col. 2, lines 54-67); a LAN interface which makes a contact point with a second user network management system (controller of ref. A) which handles second resource management information concerning a second cell assembly and disassembly unit (ref. 1A: CLAD) which is directly accommodated in the transmission apparatus (Fig. 1; col. 1, line 43-50; and col. 2, lines 54-67); and a switch (ref. 2A; col. 1, line 43-50; and col. 2, lines 54-67); wherein the transmission apparatus is configured to allow the first user network management system and the

Art Unit: 2665

second user network management system to communicate with each other using at least one logically defined resource management path permanently set in the switch (col. 2, line 67-col. 3, line 4 and col. 4, line 67-col. 5, line 25), and wherein the transmission apparatus further comprises an interface via which both the first and second resource management information can be sent to the first and second user network management systems (col. 2, line 67-col. 3, line 4 and col. 4, line 67-col. 5, line 25).

Yamaguchi does not expressly disclose an external interface which makes a contact point with a customer network management agent process or that the transmission apparatus is configured to allow the customer network management agent process, the first user network management system and the second user network management system to communicate with each other using at least one logically defined resource management path permanently set in the switch. However, Yamaguchi does disclose having the management systems communicate with each other using at least one logically defined resource management path permanently set in the switch (col. 2, line 67-col. 3, line 4 and col. 4, line 67-col. 5, line 25). Hayball teaches, in a communication system, using a network management agent process in order to manage the operations, administration, maintenance, and provisioning of resources in a network (col. 1, line 47-col. 2, line 9). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have an external interface which makes a contact point with a customer network management agent process and to have the network management agent process communicate with the other management systems using a PVC through the switch since network management agent processes are used to manage the operations, administration, maintenance, and provisioning of resources in a network.

Art Unit: 2665

Yamaguchi does not expressly disclose that the transmission apparatus further comprises an interface via which both the first and second resource management information can be sent to a transaction language (TL1) management subsystem which performs a facility node resource management in an STM transmission and a common management information service element (CMISE) subsystem, and can further be sent to the customer network management agent process and the first and second user network management systems. Hayball teaches, in a communication system, that TL1 is a well-known management protocol (col. 2, lines 24-29). Hayball also teaches that CMISE is a well-known management system (col. 2, lines 32-37). Finally, Hayball teaches that management system communicate with one another over a dedicated channel (col. 2, lines 15-21). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the transmission apparatus further comprises an interface via which both the first and second resource management information can be sent to a transaction language (TL1) management subsystem which performs a facility node resource management and a common management information service element (CMISE) subsystem, and can further be sent to the customer network management agent process and the first and second user network management systems in order to accommodate different well-known management protocols in the system.

Yamaguchi in view of Hayball does not expressly disclose that the TL1 management subsystem is used in an STM transmission. However, Yamaguchi in view of Hayball does disclose that the management systems are used to interoperate networks using different protocols (Hayball: col. 2, lines 8-15). Examiner takes official notice that STM is a well-known transmission protocol. Thus, it would have been obvious to one of ordinary skill in the art at the

Art Unit: 2665

time of the invention to use the TL1 management system in an STM transmission since STM is a well-known transmission protocol.

5. Regarding claim 2, referring to claim 9, Yamaguchi in view of Hayball discloses means for setting a resource management information path used for resource management for a cell assembly and disassembly unit (Yamaguchi: col. 1, line 43-50; col. 2, lines 54-67; col. 2, line 67-col. 3, line 4; and col. 4, line 67-col. 5, line 25 and Hayball: col. 1, line 47-col. 2, line 9) where Yamaguchi discloses setting a communication path for the management system to the CLAD and Hayball discloses using a management system to manage resources.

6. Regarding claim 3, referring to claim 9, Yamaguchi in view of Hayball discloses means for setting a resource management information path used for resource management for the first cell assembly and disassembly unit which is accommodated outside of the transmission apparatus as an external unit (Yamaguchi: col. 1, line 43-50; col. 2, lines 54-67; col. 2, line 67-col. 3, line 4; and col. 4, line 67-col. 5, line 25 and Hayball: col. 1, line 47-col. 2, line 9) where Yamaguchi discloses setting a communication path for the management system to the CLAD and Hayball discloses using a management system to manage resources.

7. Regarding claim 4, referring to claim 9, Yamaguchi in view of Hayball discloses means for setting a resource management information path used for resource management for the second cell assembly and disassembly unit which is directly accommodated in the transmission apparatus (Yamaguchi: col. 1, line 43-50; col. 2, lines 54-67; col. 2, line 67-col. 3, line 4; and col. 4, line 67-col. 5, line 25 and Hayball: col. 1, line 47-col. 2, line 9) where Yamaguchi discloses setting a communication path for the management system to the CLAD and Hayball discloses using a management system to manage resources.

Art Unit: 2665

8. Regarding claim 5, referring to claim 9, Yamaguchi in view of Hayball implicitly discloses a controller which provides, through the resource management information path, information having a format understandable by the customer network management agent process (Hayball: col. 2, lines 8-15) where it is implicit that the format must be understandable by each process in order for the management system to properly function.

9. Regarding claim 6, referring to claim 9, Yamaguchi in view of Hayball discloses a controller which sends information extracted from the resource management information path to the customer network management agent process via an external interface (Yamaguchi: col. 1, line 43-50; col. 2, lines 54-67; col. 2, line 67-col. 3, line 4; and col. 4, line 67-col. 5, line 25 and Hayball: col. 1, line 47-col. 2, line 9).

10. Regarding claim 7, referring to claim 9, Yamaguchi in view of Hayball suggests means for performing a resource management of a facility node in an STM transmission and a resource management of a cell assembly and disassembly unit in an ATM transmission (Hayball: col. 2, lines 8-15) where STM is a well-known protocol.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Daniel J. Ryman
Examiner
Art Unit 2665



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